IN THE HIGH COURT OF JUDICATURE,
ANDHRA PRADESH
AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.9721 of 2005

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Dated: February 09, 2007

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Between:

Batraju Krishnamurthy Memorial Educational Society, Nallacheruvu, Guntur, rep. by its President B. Chittaranjandas, S/o. B. Krishnamurthy, Aged 61 years, R/o. Jaya Towers, Arundalpet, Guntur.

... Petitioner

And

Government of Andhra Pradesh, Education (S.E.) Department, rep. by its Principal Secretary to Government, Secretariat, Hyderabad, and others.

... Respondents

Order:

Petitioner, an educational society, has filed this Writ Petition seeking Mandamus to declare Memo No.12080/COSE/A2/2004-4 dated 20-10-2004, issued by the first respondent, as illegal and arbitrary.

2. The petitioner-society started a primary school by

name Chenchu primary school and later it was upgraded as upper primary school. In the staffing pattern, there are certain aided posts and two posts of Secondary Grade Teachers fell vacant from 01-09-2003 to 01-2-2004 in the said school. Hence, the petitioner sent proposals dated 15-10-2004 to the Government seeking permission to fill up the said posts. Pursuant thereto, first respondent-Government issued the impugned memo, imposing ban on creating new posts of grant-in-aid and also in filling up existing vacancies. Such ban came into force with effect from 20-10-2004.

3. Imposition of such ban fell for consideration before this court in a batch of cases in W.A.No.1578 of 2005 and batch, wherein a Division Bench of this court, by order dated 29-12-2006, disposed of the said batch of cases, recording a finding that the aforesaid memo, by which ban was imposed, does not have the effect of stultifying the process of recruitment initiated by the management of the private schools prior to 20-10-2004.

4. In this case, it is not in dispute that the petitioner has submitted proposals to the Government on 15-10-2004, i.e. prior to issuance of the impugned memo.

5. Having regard to the facts and circumstances of the case, and following the ratio laid down by the Division Bench of this court in the order referred above, I set aside the impugned memo and remit the matter back to the first respondent, Government, for fresh

consideration and disposal. The first respondent shall consider the proposals sent by the petitioner without reference to the ban imposed by it and pass appropriate orders within a period of two months from the date of receipt of this order.

6. The Writ Petition is allowed to the extent indicated above. No order as to costs.

JUSTICE R. SUBHASH REDDY.

February 09, 2007
MRR